



Arent Fox LLP / Attorneys at Law
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July 15, 2014

VIA ECF

Hon. Leonard D. Wexler
United States District Court
Eastern District of New York
944 Federal Plaza
Central Islip, New York 11722

Matthew Trokenheim

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Re: 201 Jerusalem Ave Massapequa LLC, et al. v. Ciena Capital Funding, et al.,
Civil Case No. 13-cv-3568 (LDW) (AKT)

Dear Judge Wexler:

I write on behalf of defendant Arent Fox LLP ("Arent Fox") to request permission to move for the imposition of monetary sanctions against Irwin Popkin and Genevieve Lane Lopresti, counsel to plaintiffs 201 Jerusalem Ave Massapequa LLC ("201") and John De John ("Mr. De John") (collectively "Plaintiffs") in the above captioned action, or to schedule a conference to address this request.

On July 10, 2014, following a status conference before Magistrate Judge Tomlinson held on July 1, 2014, Your Honor issued an order setting a briefing schedule for motions to dismiss. That order did not directly provide permission or a schedule for motions under Rule 11 for sanctions against Plaintiffs' counsel. In an earlier order of October 10, 2013, Your Honor contemplated the filing of motions for sanctions at a later date, stating: "The court has put Plaintiffs' counsel on notice that the pursuit of any frivolous claims shall result in imposition of sanctions upon counsel."

Arent Fox respectfully requests permission to move for sanctions as contemplated in the October 10, 2013 order. Arent Fox is willing and able to do so under the current schedule for motions to dismiss, but is, of course, willing to abide an alternative schedule to accommodate the needs of the other parties to this action and of the Court.

Respectfully submitted,

/s/ Matthew Trokenheim
Matthew Trokenheim

cc: All parties via ECF